

REFERENCE TITLE: large electronics recycling program

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# HB 2194

Introduced by  
Representatives Farley, Ableser: Campbell CH, Campbell CL, Chabin, Mason,  
Young Wright

AN ACT

AMENDING TITLE 49, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11;  
RELATING TO THE LARGE ELECTRONICS RECYCLING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 4, Arizona Revised Statutes, is amended  
3 by adding article 11, to read:

4 ARTICLE 11. LARGE ELECTRONICS RECYCLING PROGRAM

5 49-891. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "COLLECTOR" MEANS AN ENTITY THAT COLLECTS COVERED ELECTRONIC  
8 DEVICES AS PART OF A MANUFACTURER PROGRAM OR THE STATE CONTRACTOR PROGRAM.

9 2. "COVERED ELECTRONIC DEVICE":

10 (a) MEANS:

11 (i) A COMPUTER MONITOR OF ANY TYPE HAVING A VIEWABLE AREA GREATER THAN  
12 FOUR INCHES MEASURED DIAGONALLY.

13 (ii) A DESKTOP COMPUTER OR PORTABLE COMPUTER.

14 (iii) A TELEVISION OF ANY TYPE HAVING A VIEWABLE AREA GREATER THAN  
15 FOUR INCHES MEASURED DIAGONALLY.

16 (b) DOES NOT INCLUDE:

17 (i) ANY PART OF A MOTOR VEHICLE.

18 (ii) ANY PART OF A LARGER PIECE OF EQUIPMENT DESIGNED AND INTENDED FOR  
19 USE IN AN INDUSTRIAL, COMMERCIAL OR MEDICAL SETTING, SUCH AS DIAGNOSTIC,  
20 MONITORING OR CONTROL EQUIPMENT.

21 (iii) TELEPHONES OR PERSONAL DIGITAL ASSISTANTS OF ANY TYPE UNLESS THE  
22 TELEPHONE OR PERSONAL DIGITAL ASSISTANT CONTAINS A VIEWABLE AREA GREATER THAN  
23 FOUR INCHES MEASURED DIAGONALLY.

24 (iv) ANY PART OF A CLOTHES WASHER, CLOTHES DRYER, REFRIGERATOR,  
25 FREEZER, MICROWAVE OVEN, CONVENTIONAL OVEN OR RANGE, DISHWASHER, ROOM AIR  
26 CONDITIONER, DEHUMIDIFIER OR AIR PURIFIER.

27 3. "COVERED ENTITY" MEANS ANY HOUSEHOLD.

28 4. "HOUSEHOLD" MEANS AN OCCUPANT OF A SINGLE DETACHED DWELLING UNIT OR  
29 A SINGLE UNIT OF A MULTIPLE DWELLING UNIT LOCATED IN THIS STATE WHO HAS USED  
30 A COVERED ELECTRONIC DEVICE AT A DWELLING UNIT PRIMARILY FOR PERSONAL USE.

31 5. "MANUFACTURER" MEANS ANY PERSON THAT MANUFACTURES COVERED  
32 ELECTRONIC DEVICES UNDER A BRAND THAT IT OWNS OR IS LICENSED TO USE, THAT  
33 SELLS COVERED ELECTRONIC DEVICES MANUFACTURED BY OTHERS UNDER A BRAND THAT  
34 THE SELLER OWNS, THAT MANUFACTURES COVERED ELECTRONIC DEVICES WITHOUT  
35 AFFIXING A BRAND, THAT MANUFACTURES COVERED ELECTRONIC DEVICES TO WHICH IT  
36 AFFIXES A BRAND THAT IT DOES NOT OWN OR ON WHOSE ACCOUNT COVERED ELECTRONIC  
37 DEVICES MANUFACTURED OUTSIDE THE UNITED STATES ARE IMPORTED INTO THE UNITED  
38 STATES. MANUFACTURER DOES NOT INCLUDE A PERSON WITH A LICENSE TO MANUFACTURE  
39 COVERED ELECTRONIC DEVICES FOR DELIVERY EXCLUSIVELY TO OR AT THE ORDER OF THE  
40 LICENSOR.

41 6. "MANUFACTURER PROGRAM" MEANS A STATEWIDE PLAN FOR COLLECTING,  
42 TRANSPORTING AND RECYCLING COVERED ELECTRONIC DEVICES THAT IS PROVIDED BY A  
43 SINGLE MANUFACTURER OR GROUP OF MANUFACTURERS PURSUANT TO SECTION 49-891.02.

44 7. "ORPHAN DEVICE" MEANS A COVERED ELECTRONIC DEVICE FOR WHICH NO  
45 MANUFACTURER CAN BE IDENTIFIED.

8. "PORTABLE COMPUTER" MEANS ANY OF THE FOLLOWING THAT HAS A VIEWABLE AREA GREATER THAN FOUR INCHES MEASURED DIAGONALLY AND THAT CAN BE CARRIED AS ONE UNIT BY AN INDIVIDUAL:

(a) A LAPTOP COMPUTER.

(b) A NOTEBOOK COMPUTER.

(c) A NOTEPAD COMPUTER.

## 9. "RECYCLING":

(a) MEANS EITHER OF THE FOLLOWING:

(i) PROCESSING THROUGH DISASSEMBLING, DISMANTLING, SHREDDING, TRANSFORMING OR REMANUFACTURING COVERED ELECTRONIC DEVICES, COMPONENTS AND BY-PRODUCTS INTO USABLE OR MARKETABLE RAW MATERIALS OR PRODUCTS IN A MANNER SUCH THAT THE ORIGINAL PRODUCTS MAY LOSE THEIR IDENTITY.

(ii) SMELTING MATERIALS FROM COMPONENTS REMOVED FROM COVERED ELECTRONIC DEVICES TO RECOVER METALS FOR REUSE IN CONFORMANCE WITH APPLICABLE LAWS AND RULES.

(b) DOES NOT INCLUDE LANDFILL DISPOSAL OR INCINERATION OF COVERED ELECTRONIC DEVICES OR ENERGY RECOVERY OR ENERGY GENERATION BY MEANS OF COMBUSTING COVERED ELECTRONIC DEVICES, COMPONENTS AND BY-PRODUCTS WITH OR WITHOUT OTHER WASTE.

10. "RETAILER" MEANS A PERSON WHO SELLS, RENTS OR LEASES THROUGH SALES OUTLETS, CATALOGS OR THE INTERNET COVERED ELECTRONIC DEVICES TO A HOUSEHOLD AND NOT FOR RESALE IN ANY FORM.

11. "RETURN SHARE" MEANS THE MINIMUM PERCENTAGE OF COVERED ELECTRONIC DEVICES THAT AN INDIVIDUAL MANUFACTURER IS RESPONSIBLE FOR COLLECTING, TRANSPORTING AND RECYCLING.

12. "RETURN SHARE BY WEIGHT" MEANS THE MINIMUM TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES THAT AN INDIVIDUAL MANUFACTURER IS RESPONSIBLE FOR COLLECTING, TRANSPORTING AND RECYCLING.

13. "SALE" OR "SELL" MEANS ANY TRANSFER FOR CONSIDERATION OF TITLE OR OF THE RIGHT TO USE, BY LEASE OR SALES CONTRACT INCLUDING TRANSACTIONS CONDUCTED THROUGH SALES OUTLETS, CATALOGS OR THE INTERNET OR ANY OTHER SIMILAR ELECTRONIC MEANS EITHER INSIDE OR OUTSIDE OF THIS STATE, BY A PERSON WHO CONDUCTS THE TRANSACTION AND CONTROLS DELIVERY OF A COVERED ELECTRONIC DEVICE TO A CONSUMER IN THIS STATE, BUT DOES NOT INCLUDE A MANUFACTURER'S OR DISTRIBUTOR'S WHOLESALE TRANSACTION WITH A DISTRIBUTOR OR RETAILER.

14. "STATE CONTRACTOR PROGRAM" MEANS THE STATEWIDE PROGRAM FOR COLLECTING, TRANSPORTING AND RECYCLING COVERED ELECTRONIC DEVICES THAT IS PROVIDED BY THE DEPARTMENT FOR MANUFACTURERS THAT PAY A RECYCLING FEE TO THE DEPARTMENT PURSUANT TO THIS ARTICLE.

49-891.01. Prohibition on sale; registration with department; fees

A. BEGINNING JANUARY 1, 2010, A MANUFACTURER OR RETAILER MAY NOT SELL OR OFFER FOR SALE ANY COVERED ELECTRONIC DEVICE IN OR FOR DELIVERY IN THIS STATE UNLESS BOTH OF THE FOLLOWING APPLY:

1           1. THE COVERED ELECTRONIC DEVICE IS LABELED WITH A BRAND AND THE LABEL  
2 IS PERMANENTLY AFFIXED AND READILY VISIBLE.

3           2. THE BRAND IS INCLUDED IN THE PLAN THAT IS FILED WITH THE DEPARTMENT  
4 PURSUANT TO SECTION 49-891.02.

5           B. ON OR BEFORE JANUARY 1, 2010 AND EACH YEAR THEREAFTER, A  
6 MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR SALE IN THIS  
7 STATE SHALL REGISTER WITH THE DEPARTMENT, FOR A PERIOD TO COVER THE UPCOMING  
8 CALENDAR YEAR, ON A FORM PROVIDED BY THE DEPARTMENT. THE REGISTRATION SHALL  
9 INCLUDE INFORMATION REQUIRED BY THE DEPARTMENT BY RULE.

10          C. BEGINNING IN 2010, NOT LATER THAN JULY 1 OF EACH YEAR, A  
11 MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR SALE IN THIS  
12 STATE SHALL PAY AN ANNUAL REGISTRATION FEE TO THE DEPARTMENT DETERMINED BY  
13 THE DEPARTMENT BY RULE.

14          D. ON OR BEFORE SEPTEMBER 1 EACH YEAR, A MANUFACTURER THAT  
15 PARTICIPATES IN THE STATE CONTRACTOR PROGRAM SHALL PAY A FEE TO THE  
16 DEPARTMENT DETERMINED BY THE DEPARTMENT BY RULE, AFTER CONSIDERING THE  
17 MANUFACTURER'S ANNUAL RETURN SHARE.

18          E. IF A MANUFACTURER CEASES TO MANUFACTURE, SELL OR IMPORT COVERED  
19 ELECTRONIC DEVICES AND COVERED ELECTRONIC DEVICES MANUFACTURED, SOLD OR  
20 IMPORTED BY THE MANUFACTURER ARE COLLECTED FOR RECYCLING UNDER A MANUFACTURER  
21 PROGRAM OR THE STATE CONTRACTOR PROGRAM, THE MANUFACTURER SHALL REGISTER WITH  
22 THE DEPARTMENT AND PAY A REGISTRATION FEE DETERMINED BY THE DEPARTMENT BY  
23 RULE.

24          F. A MANUFACTURER THAT BEGINS TO SELL OR OFFER FOR SALE COVERED  
25 ELECTRONIC DEVICES TO HOUSEHOLDS AFTER JANUARY 1, 2010 AND THAT HAS NOT FILED  
26 A REGISTRATION PURSUANT TO THIS SECTION SHALL SUBMIT A REGISTRATION TO THE  
27 DEPARTMENT WITHIN TEN DAYS OF BEGINNING TO SELL OR OFFER FOR SALE COVERED  
28 ELECTRONIC DEVICES TO HOUSEHOLDS.

29          G. A MANUFACTURER SHALL UPDATE ITS REGISTRATION WITHIN TEN DAYS AFTER  
30 A CHANGE IN THE MANUFACTURER'S BRANDS OF COVERED ELECTRONIC DEVICES SOLD OR  
31 OFFERED FOR SALE TO HOUSEHOLDS.

32           49-891.02. Manufacturer program; plan; return share; report

33          A. A MANUFACTURER THAT CHOOSES TO IMPLEMENT A MANUFACTURER PROGRAM  
34 SHALL SUBMIT A PLAN TO THE DEPARTMENT AT THE TIME OF PAYMENT OF THE ANNUAL  
35 REGISTRATION FEE REQUIRED UNDER SECTION 49-891.01. THE MANUFACTURER'S PLAN  
36 MUST DESCRIBE HOW THE MANUFACTURER WILL:

37           1. FINANCE, MANAGE AND CONDUCT A STATEWIDE PROGRAM TO COLLECT COVERED  
38 ELECTRONIC DEVICES FROM COVERED ENTITIES IN THIS STATE.

39           2. PROVIDE FOR ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES TO COLLECT,  
40 TRANSPORT AND RECYCLE COVERED ELECTRONIC DEVICES.

41           3. PROVIDE FOR ADVERTISING AND PROMOTION OF COLLECTION OPPORTUNITIES  
42 STATEWIDE AND ON A REGULAR BASIS.

43           4. INCLUDE CONVENIENT SERVICE IN EVERY COUNTY IN THIS STATE AND AT  
44 LEAST ONE COLLECTION SITE FOR ANY CITY WITH A POPULATION OF AT LEAST TEN  
45 THOUSAND PERSONS. CONVENIENT SERVICE MAY INCLUDE ONE OR MORE PERIODIC

1 OPPORTUNITIES TO DROP OFF COVERED ELECTRONIC DEVICES AT ONE OR MORE  
2 LOCATIONS. CONVENIENT SERVICE DOES NOT REQUIRE HOUSEHOLD PICKUP OF COVERED  
3 DEVICES. A COLLECTION SITE FOR A COUNTY MAY BE THE SAME AS A COLLECTION SITE  
4 FOR A CITY IN THE COUNTY. COLLECTION SITES SHALL BE STAFFED AND OPEN TO THE  
5 PUBLIC AT A FREQUENCY ADEQUATE TO MEET THE NEEDS OF THE AREA BEING SERVED. A  
6 PROGRAM MAY PROVIDE COLLECTION SERVICE JOINTLY WITH ANOTHER PROGRAM.

7 B. A MANUFACTURER THAT CHOOSES TO IMPLEMENT A MANUFACTURER PROGRAM  
8 SHALL:

9 1. MEET OR EXCEED THE REQUIREMENTS FOR COLLECTION SITES DESCRIBED IN  
10 SUBSECTION A OF THIS SECTION.

11 2. PROVIDE FOR COLLECTION, TRANSPORTATION AND RECYCLING OF COVERED  
12 ELECTRONIC DEVICES FOR COVERED ENTITIES FREE OF CHARGE, EXCEPT THAT A  
13 MANUFACTURER THAT PROVIDES PREMIUM SERVICE FOR A COVERED ENTITY MAY CHARGE  
14 FOR THE ADDITIONAL COST OF THAT PREMIUM SERVICE. PREMIUM SERVICE MAY INCLUDE  
15 PICKUP SERVICE AT INDIVIDUALLY SCHEDULED TIMES AND LOCATIONS AND MAY INCLUDE  
16 MINIMUM REQUIREMENTS FOR THE QUANTITY OF COVERED ELECTRONIC DEVICES TO BE  
17 PICKED UP.

18 3. IMPLEMENT THE PLAN REQUIRED UNDER THIS SECTION.

19 C. A GROUP OF MANUFACTURERS MAY CHOOSE TO IMPLEMENT A MANUFACTURER  
20 PROGRAM AS ONE ENTITY, IF IN DOING SO THE MANUFACTURERS MEET THE SUM OF THEIR  
21 INDIVIDUAL RETURN SHARES BY WEIGHT UNDER SECTION 49-891.04 AND THAT SUM IS AT  
22 LEAST FIVE PER CENT.

23 D. ON OR BEFORE JULY 1 OF EACH YEAR, A MANUFACTURER THAT DOES NOT MEET  
24 ITS RETURN SHARE BY WEIGHT FOR THE PREVIOUS CALENDAR YEAR SHALL PAY THE  
25 DEPARTMENT FOR THE AMOUNT NOT ACHIEVED AT A RATE DETERMINED BY THE DEPARTMENT  
26 TO BE EQUIVALENT TO THE AMOUNT THE MANUFACTURER WOULD HAVE PAID, PLUS TEN PER  
27 CENT, TO BE PART OF THE STATE CONTRACTOR PROGRAM UNDER SECTION 49-891.04.

28 E. A MANUFACTURER PARTICIPATING IN THE STATE CONTRACTOR PROGRAM UNDER  
29 SECTION 49-891.04 SHALL NOTIFY THE DEPARTMENT AT THE TIME OF ITS REGISTRATION  
30 EACH YEAR.

31 F. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, A MANUFACTURER  
32 WITH LESS THAN A FIVE PER CENT RETURN SHARE IS REQUIRED TO PARTICIPATE IN THE  
33 STATE CONTRACTOR PROGRAM UNDER SECTION 49-891.04.

34 G. BEGINNING IN 2012, A RECYCLER SHALL CONDUCT A STATISTICALLY  
35 SIGNIFICANT SAMPLING OR ACTUAL COUNT OF THE COVERED ELECTRONIC DEVICES  
36 COLLECTED AND RECYCLED BY THE RECYCLER EACH CALENDAR YEAR USING A METHODOLOGY  
37 APPROVED BY THE DEPARTMENT. THE RECYCLER SHALL REPORT THE RESULTS OF THE  
38 SAMPLING OR COUNT TO THE DEPARTMENT NO LATER THAN MARCH 1 OF THE FOLLOWING  
39 CALENDAR YEAR. THE REPORT MUST INCLUDE:

40 1. A LIST OF ALL BRANDS IDENTIFIED BY THE MANUFACTURER DURING THE  
41 SAMPLING OR COUNT.

42 2. THE WEIGHT OF COVERED ELECTRONIC DEVICES IDENTIFIED FOR EACH BRAND  
43 DURING THE SAMPLING OR COUNT.

1           3. THE TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES, INCLUDING ORPHAN  
2 DEVICES, COLLECTED FROM COVERED ENTITIES IN THE STATE BY THE MANUFACTURER  
3 DURING THE PREVIOUS CALENDAR YEAR.

4           H. ON OR BEFORE MARCH 1 OF EACH YEAR, A MANUFACTURER SHALL PROVIDE A  
5 REPORT TO THE DEPARTMENT THAT DETAILS HOW THE PLAN REQUIRED UNDER THIS  
6 SECTION WAS IMPLEMENTED DURING THE PREVIOUS CALENDAR YEAR.

7           49-891.03. Prohibition on consumer fees; exception

8           A. EXCEPT AS AUTHORIZED IN SUBSECTION B, A MANUFACTURER PROGRAM, THE  
9 STATE CONTRACTOR PROGRAM OR A COLLECTOR PARTICIPATING IN A MANUFACTURER  
10 PROGRAM OR THE STATE CONTRACTOR PROGRAM MAY NOT CHARGE A FEE TO COVERED  
11 ENTITIES FOR THE COLLECTION, TRANSPORTATION OR RECYCLING OF COVERED  
12 ELECTRONIC DEVICES.

13           B. A COLLECTOR THAT PROVIDES A PREMIUM SERVICE TO A COVERED ENTITY MAY  
14 CHARGE FOR THE ADDITIONAL COST OF PROVIDING THE PREMIUM SERVICE.

15           49-891.04. Duties of department; rules

16           THE DEPARTMENT SHALL:

17           1. MAINTAIN AND MAKE AVAILABLE ON ITS WEBSITE THE FOLLOWING LISTS,  
18 WHICH MUST BE UPDATED ON OR BEFORE THE FIRST DAY OF EACH MONTH:

19           (a) A LIST OF REGISTERED MANUFACTURERS AND THEIR BRANDS.

20           (b) A LIST OF BRANDS FOR WHICH NO MANUFACTURER HAS REGISTERED.

21           (c) A LIST THAT IDENTIFIES WHICH MANUFACTURERS ARE IN COMPLIANCE WITH  
22 THIS ARTICLE.

23           2. REVIEW AND APPROVE MANUFACTURER PLANS THAT COMPLY WITH SECTION  
24 49-891.02 AND THAT ARE SUBMITTED ANNUALLY BY MANUFACTURERS CHOOSING TO  
25 IMPLEMENT A MANUFACTURER PROGRAM FOR RECYCLING COVERED ELECTRONIC DEVICES.

26           3. DETERMINE THE RETURN SHARE AND RETURN SHARE BY WEIGHT FOR EACH  
27 CALENDAR YEAR FOR EACH MANUFACTURER. THE RETURN SHARE SHALL BE DETERMINED BY  
28 DIVIDING THE TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES OF THAT  
29 MANUFACTURER'S BRANDS BY THE TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES FOR  
30 ALL MANUFACTURERS' BRANDS. THE RETURN SHARE BY WEIGHT SHALL BE DETERMINED BY  
31 MULTIPLYING THE RETURN SHARE FOR EACH SUCH MANUFACTURER BY THE TOTAL WEIGHT  
32 IN POUNDS OF COVERED ELECTRONIC DEVICES, INCLUDING ORPHAN DEVICES, COLLECTED  
33 FROM COVERED ENTITIES THE PREVIOUS CALENDAR YEAR. FOR 2010 AND 2011, THE  
34 DEPARTMENT SHALL DETERMINE THE RETURN SHARE AND RETURN SHARE BY WEIGHT FOR  
35 EACH MANUFACTURER BASED ON THE BEST AVAILABLE PUBLIC RETURN SHARE DATA AND  
36 PUBLIC WEIGHT DATA FROM WITHIN THE UNITED STATES FOR COVERED ELECTRONIC  
37 DEVICES FROM COVERED ENTITIES. FOR SUBSEQUENT YEARS, THE RETURN SHARE OF  
38 COVERED ELECTRONIC DEVICES FOR EACH MANUFACTURER SHALL BE BASED ON THE MOST  
39 RECENT ANNUAL SAMPLING OR COUNT OF COVERED ELECTRONIC DEVICES. FOR  
40 SUBSEQUENT YEARS, THE TOTAL WEIGHT IN POUNDS OF COVERED ELECTRONIC DEVICES  
41 SHALL BE BASED ON THE TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES, INCLUDING  
42 ORPHAN DEVICES, DETERMINED BY THE DEPARTMENT. ON OR BEFORE MAY 1 OF EACH  
43 YEAR, THE DEPARTMENT SHALL PROVIDE TO EACH MANUFACTURER THAT HAD A RETURN  
44 SHARE DETERMINED UNDER THIS SECTION ITS RETURN SHARE AND ITS RETURN SHARE BY  
45 WEIGHT FOR THE FOLLOWING YEAR.

1           4. ESTABLISH A STATE CONTRACTOR PROGRAM FOR THE COLLECTION,  
2 TRANSPORTATION AND RECYCLING OF COVERED ELECTRONIC DEVICES FROM COVERED  
3 ENTITIES IN THIS STATE. THE STATE CONTRACTOR PROGRAM SHALL:

4           (a) TO THE EXTENT PRACTICABLE, USE EXISTING LOCAL COLLECTION,  
5 TRANSPORTATION AND RECYCLING INFRASTRUCTURE.

6           (b) USE ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES TO COLLECT,  
7 TRANSPORT AND RECYCLE COVERED ELECTRONIC DEVICES.

8           (c) PROVIDE FOR COVERED ENTITIES, FREE OF CHARGE, CONVENIENT AND  
9 AVAILABLE COLLECTION SERVICES AND SITES FOR COVERED ELECTRONIC DEVICES IN  
10 BOTH RURAL AND URBAN AREAS.

11           (d) ADVERTISE AND PROMOTE COLLECTION OPPORTUNITIES STATEWIDE AND ON A  
12 REGULAR BASIS.

13           (e) CONDUCT A STATISTICALLY SIGNIFICANT SAMPLING OR ACTUAL COUNT OF  
14 THE COVERED ELECTRONIC DEVICES COLLECTED AND RECYCLED BY THE STATE CONTRACTOR  
15 PROGRAM DURING EACH CALENDAR YEAR USING A METHODOLOGY APPROVED BY THE  
16 DEPARTMENT AND PREPARE A REPORT NO LATER THAN MARCH 1 OF THE FOLLOWING  
17 CALENDAR YEAR THAT INCLUDES:

18           (i) A LIST OF ALL BRANDS IDENTIFIED DURING THE SAMPLING OR COUNT.

19           (ii) THE WEIGHT OF COVERED ELECTRONIC DEVICES IDENTIFIED FOR EACH  
20 BRAND DURING THE SAMPLING OR COUNT.

21           (iii) THE TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES, INCLUDING ORPHAN  
22 DEVICES, COLLECTED FROM COVERED ENTITIES IN THE STATE BY THE STATE CONTRACTOR  
23 PROGRAM DURING THE PREVIOUS CALENDAR YEAR.

24           5. DETERMINE A MANUFACTURER'S ANNUAL REGISTRATION FEE FOR PURPOSES OF  
25 SECTION 49-891.01 USING NATIONAL MARKET DATA PRORATED FOR THIS STATE BASED ON  
26 STATEWIDE POPULATION.

27           6. DETERMINE THE RECYCLING FEE TO BE PAID UNDER SECTION 49-891.01 BY  
28 EACH MANUFACTURER THAT PARTICIPATES IN THE STATE CONTRACTOR PROGRAM  
29 ESTABLISHED PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL DETERMINE THE  
30 RECYCLING FEES AS FOLLOWS:

31           (a) FOR EACH MANUFACTURER EXCEPT THOSE DESCRIBED IN SUBDIVISION (b) OF  
32 THIS PARAGRAPH, THE DEPARTMENT SHALL DETERMINE THE RECYCLING FEE BASED ON THE  
33 MANUFACTURER'S ANNUAL RETURN SHARE AND RETURN SHARE BY WEIGHT AS DETERMINED  
34 BY THIS SECTION.

35           (b) FOR EACH MANUFACTURER WHOSE MANUFACTURE OF COVERED ELECTRONIC  
36 DEVICES THAT ARE TELEVISIONS EXCEEDS ITS MANUFACTURE OF COVERED ELECTRONIC  
37 DEVICES THAT ARE COMPUTER MONITORS, DESKTOP COMPUTERS OR PORTABLE COMPUTERS,  
38 THE DEPARTMENT SHALL DETERMINE THE RECYCLING FEE BASED ON THE TOTAL RETURN  
39 SHARE AND RETURN SHARE BY WEIGHT DETERMINED UNDER THIS SECTION OF ALL  
40 MANUFACTURERS DESCRIBED IN THIS SUBDIVISION, ALLOCATED ACCORDING TO EACH  
41 MANUFACTURER'S PERCENTAGE OF THE TOTAL NUMBER OF COVERED ELECTRONIC DEVICES  
42 THAT ARE TELEVISIONS AND THAT ARE SOLD IN THIS STATE THE PREVIOUS CALENDAR  
43 YEAR. THE DEPARTMENT MAY USE NATIONAL SALES DATA TO DETERMINE THE  
44 PERCENTAGES. THE DEPARTMENT MAY ASSESS A SURCHARGE ON THE ANNUAL

1 REGISTRATION FEE FOR MANUFACTURERS DESCRIBED IN THIS SUBDIVISION TO PAY ANY  
2 ADDED COSTS TO THE DEPARTMENT IN MAKING THE DETERMINATIONS.

3 7. REVIEW EACH REGISTRATION AND NOTIFY THE MANUFACTURER OF ANY  
4 INFORMATION REQUIRED BY THIS SECTION THAT IS OMITTED FROM THE REGISTRATION.  
5 WITHIN THIRTY DAYS AFTER RECEIPT OF A NOTIFICATION FROM THE DEPARTMENT, THE  
6 MANUFACTURER SHALL SUBMIT A REVISED REGISTRATION PROVIDING THE INFORMATION  
7 NOTED BY THE DEPARTMENT.

8 8. MAINTAIN AND UPDATE THE WEBSITE REGISTRATION INFORMATION PROMPTLY  
9 ON RECEIPT OF A NEW OR UPDATED REGISTRATION. THE WEBSITE SHALL CONTAIN  
10 PROMINENT LANGUAGE STATING THAT THE LAW REQUIRING REGISTRATION IS DIRECTED AT  
11 HOUSEHOLD EQUIPMENT AND THE MANUFACTURERS' BRANDS LIST IS NOT A LIST OF  
12 MANUFACTURERS WHO ARE QUALIFIED TO SELL TO INDUSTRIAL, COMMERCIAL OR OTHER  
13 MARKETS THAT ARE IDENTIFIED AS EXEMPT FROM THE REQUIREMENTS.

14 9. MAINTAIN ON ITS WEBSITE INFORMATION ON COLLECTION OPPORTUNITIES FOR  
15 COVERED ELECTRONIC DEVICES, INCLUDING COLLECTION SITE LOCATIONS AND HOURS.  
16 THE INFORMATION MUST BE MADE AVAILABLE IN A PRINTABLE FORMAT FOR RETAILERS.

17 10. REPORT BIENNIALLY TO THE LEGISLATURE ON THE OPERATION OF THE  
18 STATEWIDE SYSTEM FOR COLLECTION, TRANSPORTATION AND RECYCLING OF COVERED  
19 ELECTRONIC DEVICES.

20 11. ADOPT RULES AS NECESSARY TO IMPLEMENT THIS ARTICLE.

21 49-891.05. Covered electronic devices fund

22 A. THE COVERED ELECTRONIC DEVICES FUND IS ESTABLISHED CONSISTING OF  
23 FEES COLLECTED BY THE DEPARTMENT UNDER THIS ARTICLE. THE DEPARTMENT SHALL  
24 ADMINISTER THE FUND.

25 B. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND  
26 DIVEST MONIES IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED  
27 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

28 C. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT  
29 AND MAY BE USED ONLY TO PAY THE COSTS OF IMPLEMENTING AND ENFORCING THIS  
30 ARTICLE.

31 49-891.06. Disposal prohibition: civil penalty

32 A. BEGINNING JANUARY 1, 2012, A PERSON SHALL NOT DISPOSE OF AND A  
33 SOLID WASTE FACILITY SHALL NOT KNOWINGLY RECEIVE FOR DISPOSAL A COVERED  
34 ELECTRONIC DEVICE.

35 B. THE DEPARTMENT MAY DEFER THE PROHIBITION PRESCRIBED IN SUBSECTION A  
36 IN ANY AREA IN WHICH THE DIRECTOR DETERMINES THERE IS AN INADEQUATE SYSTEM  
37 FOR THE COLLECTION, TRANSPORTATION AND RECYCLING OF COVERED ELECTRONIC  
38 DEVICES.

39 C. A PERSON, INCLUDING A MANUFACTURER, RETAILER OR CONSUMER OR AN  
40 OWNER OR OPERATOR OF A SOLID WASTE FACILITY, WHO VIOLATES THIS ARTICLE IS  
41 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS PER DAY FOR  
42 EACH DAY OF VIOLATION.

43 49-891.07. Program termination

44 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2019 PURSUANT  
45 TO SECTION 41-3102.



1           Sec. 2. Requirements for enactment: two-thirds vote

2           Pursuant to article IX, section 22, Constitution of Arizona, this act  
3 is effective only on the affirmative vote of at least two-thirds of the  
4 members of each house of the legislature and is effective immediately on the  
5 signature of the governor or, if the governor vetoes this act, on the  
6 subsequent affirmative vote of at least three-fourths of the members of each  
7 house of the legislature.